

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4510

BY DELEGATES STEELE, CRISS, GRAVES, HOWELL, D. KELLY,

MILLER, SHOTT, N. BROWN, MAYNARD AND FAST

(BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY)

[Introduced January 23, 2020; Referred to the

Committee on the Judiciary.]

1 A BILL to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting bodily intrusion by an inmate upon any person at any correctional facility and
3 defining bodily intrusion for purposes of the section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.

§62-8-1. Offenses by inmates; conspiracy.

1 A person imprisoned or otherwise in the custody of the Commissioner of Corrections and
2 Rehabilitation ~~or the Executive Director of the Regional Jail and Correctional Facility Authority~~ is
3 guilty of a felony if he or she kills, wounds or inflicts other bodily injury or bodily intrusion upon
4 any person at any correctional facility; or breaks, cuts or injures, or sets fire to any building, fixture
5 or fastening of any correctional facility, or jail or any part thereof, for the purpose of escaping or
6 aiding any other inmate to escape therefrom, or renders any correctional facility or jail less secure
7 as a place of confinement; or makes, procures, secretes or has in his or her possession, any
8 instrument, tool or other thing for such purpose, or with intent to kill, wound or inflict bodily injury
9 or bodily intrusion; or resists the lawful authority of an officer or guard of any correctional facility
10 or jail for such purpose or with such intent. Any three or more inmates so confined, or in such
11 custody, who conspire together to commit any offense mentioned in this section are each guilty
12 of a felony. For purposes of this section, "bodily intrusion" means any act between persons
13 involving penetration, however slight, of the female sex organ or of the anus of any person by any
14 object for any purpose.

NOTE: The purpose of this bill is to prohibit bodily intrusion by an inmate upon any person at any correctional facility and to define bodily intrusion for purposes of the section.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.